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Writer Direct: (518) 776-2591
August 3, 2018

Hon. Andrew T. Baxter
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, NY 13261-7396

Re: *H'Shaka v. Bellnier et al*
Northern District of New York
17-CV-0108 (GTS)(ATB)

Dear Judge Baxter:

Pursuant to the July 26, 2018 Text Order (Dkt. No. 59), defendants' counsel respectfully submits this letter as the Court ordered status report. As to the Court's offer to arrange a settlement conference between DOCCS' Officials, DOCCS' Counsel's Office, and the parties, DOCCS has indicated to our office that they do not currently believe that a settlement conference would be productive at this time. They remain open to such a discussion in the future, should they perceive a change that would make a settlement conference fruitful. Despite this position, should the Court still wish to schedule a settlement conference, a representative of DOCCS' Counsel's Office will agree to attend.

As you may recall, as of the time of the telephonic conference held on July 26, 2018, counsel had been unable to communicate directly with the necessary officials at DOCCS to obtain information on the burdensome nature of plaintiff's discovery request. AAG Boivin was able to speculate as to the location and type of storage that the requested documents were subject to, but was unable to provide definitive facts, figures, and concerns. Since that time, our office has learned additional information, and would like to take this opportunity to disclose it to the Court and the parties in furtherance of defendants' argument that production of the requested documents (which defendants maintain will not contain relevant information) would be unduly burdensome.

A separate file is kept for each inmate held in administrative segregation ("ad seg"), and each periodic ad seg review is approximately two to eight pages in length. Given plaintiff's request¹, that is a significant number of pages. For those inmates currently in ad seg, the

¹ As detailed in Mr. Brewer's letter (Dkt. No. 56), and discussed during the telephonic conference on July 26, 2018, the defendants understand plaintiff's request to be for the past twelve months of periodic reviews for each of the approximately 25 inmates currently in ad seg, and the final twelve months of periodic reviews for each of the 8 inmates released from ad seg since 2013.

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documents could be between 600 and 2,400 pages. Assuming the inmates who have been released from ad seg were released under the earlier 60-day periodic review process (as opposed to the current 30-day model), those documents number an additional 96-384 pages.

The requested files (both the archived releases and the current ad seg inmates) are hand signed, and are maintained by DOCCS in hard copy only. These are files maintained on other inmates, and contain reference to the inmates by name or Department Identification Number ("DIN"). Therefore, each page will require review and redaction to protect the privacy of these non-parties. If ordered to do so, DOCCS staff would be required to extract the requested pages of the files in a manner that would preserve their integrity in DOCCS internal filing system, scan and copy each page, and organize the copies in a way that is useful to the plaintiff (i.e., by inmate and date), all while redacting or anonymizing the inmates' personally identifiable information to protect the identity of the non-party inmates.

Thank you for your consideration of this matter.

Respectfully yours,

s/ Matthew P. Reed

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